

Order 98-3-10

Served: March 16, 1998



**UNITED STATES OF AMERICA
DEPARTMENT OF
TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 10th day of March, 1998

Application of

WINAIR, INC.

for a certificate of public convenience and necessity
under 49 U.S.C. 41102 to engage in foreign charter air
transportation of persons, property, and mail

Docket OST-97-2937

**ORDER ISSUING EFFECTIVE FOREIGN CERTIFICATE
AND CONFIRMING ORAL ACTION**

By Order 97-11-34, served November 20, 1997, the Department found that WINAIR, Inc., was fit, willing, and able to conduct interstate and foreign charter passenger air transportation and issued to it a certificate authorizing it to engage in interstate operations (Docket OST-97-2936). Subsequently, by Order 97-12-11, served December 11, 1997, we issued to WINAIR a certificate authorizing it to engage in foreign charter passenger operations.

The authority granted by these certificates was to become effective on the sixth (business) day after we had received, among other things, a copy of WINAIR's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in charter passenger service, and a description of any fitness-related changes the company had undergone since the date of the Show Cause Order in this case (*see* Order 97-11-21, served November 12, 1997).

On January 21, 1998, WINAIR submitted evidence that it had obtained an Air Carrier Certificate from the FAA authorizing it to conduct passenger charter operations within the United States. As WINAIR had previously fulfilled all of the other conditions for receipt of effective certificate authority, we made its section 41102 interstate certificate effective on that same date (*see* Order 98-1-19, served January 22, 1998).

On March 4, 1998, WINAIR provided evidence that it had received amended Operations Specifications from the FAA which authorize it to conduct operations to points outside of the United States. The company requested that, given it had previously fulfilled all of the other requirements imposed to have its certificate authority made effective, the Department grant it a waiver from the standard six-day waiting period and make its foreign certificate authority effective immediately.

Our review of WINAIR's amended Operations Specifications found them to be satisfactory. Therefore, on March 4, we notified WINAIR that we were making its section 41102 foreign charter certificate effective on that same date. By this order, we confirm that oral action.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(a)(5)(iv) and (b)(1):

1. We confirm our oral action of March 4, 1998, making the section 41102 certificate authority issued to WINAIR, Inc., by Order 97-12-11 effective on that same date.
2. We reissue to WINAIR, Inc., the foreign charter passenger section 41102 certificate issued to it by Order 97-12-11 in the attached form to reflect its effective date.
3. Should WINAIR, Inc., propose to operate more than 8 aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement.
4. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

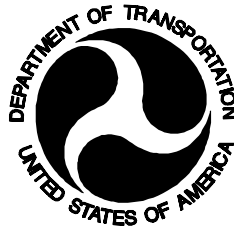
The action confirmed in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

John V. Coleman
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov/dotinfo/general/orders/aviation.html>*



Certificate of Public Convenience and Necessity for Foreign Charter Air Transportation

(as reissued)

This Certifies That

WINAIR, INC.

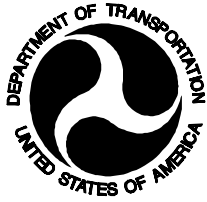
is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign charter air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 98-3-10
On March 10, 1998
Effective on March 4, 1998**

**John V. Coleman
Director
Office of Aviation Analysis**



Terms, Conditions, and Limitations

WINAIR, INC.

is authorized to engage in foreign charter air transportation of persons, property, and mail:

Between any place in the United States and any place outside thereof.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration.
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

* This certificate is being reissued to reflect its effective date.

(6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

SERVICE LIST FOR WINAIR, INC.

Attachment A

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